

REMARKS/ARGUMENTS

I. STATUS OF CLAIMS

Claims 1-13, 15-28 and 30 remain in this application. Claims 1 and 16 have been amended. Claim 1-13, 15-28 and 30 are rejected in the Office Action by the Examiner.

II. CLAIM REJECTIONS – 35 U.S.C. § 101

The Office Action rejects Claims 1-13 and 15 under 35 U.S.C. § 101. Claims 1 has been amended and clarifies that the sending step comprises the parsing and modifying steps. Therefore, a tangible result is achieved, and as the Office Action points out, the result of the modifying step is send to the requesting client. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §101.

III. CLAIM REJECTIONS – 35 U.S.C. § 112

The Office Action rejects Claims 1 and 16 under 35 U.S.C. § 112, second paragraph, as being indefinite to particularly for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Applicant has amended said Claims to address the Office Action's concerns.

Applicant respectfully points out that a single packet must be load balanced to a load balancing server among a plurality of load balancing servers because each packet is sent to a load balancing server depending upon the particular load balancing server's load. Therefore, the structure of the claim element is proper.

Therefore, Claims 1 and 16 and their dependent claims particularly point out and distinctly claim the subject matter which applicants regard as the invention. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §112, second paragraph.

IV. CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action rejects Claims 1-4, 7, 8, 13, 15-19, 22, 23, 28 and 30 under 35 U.S.C. § 103(a) as being unpatentable over Zisapel-Radware in view of Hasett-PointCast, Chiu et al., 6,701,363, IBM (hereinafter Chiu-IBM) and “Official Notice”. The rejection is respectfully traversed.

Claims 1 and 16 have been amended to clarify the invention and appear as follows:

1. A process for routing packets through a load balancing array of servers across a network in a computer environment, comprising the steps of:
 - requesting, by a scheduler, assignment of a virtual IP address to the scheduler, the scheduler is designated as active scheduler for the load balancing array of servers;
 - wherein all incoming packets over a network from requesting clients destined for the load balancing array of servers are routed through the scheduler via the virtual IP address;
 - in response to receiving a request packet from a requesting client at the scheduler, routing and load balancing the request packet to a load balancing server, among a plurality of load balancing servers;
 - in response to receiving the request packet at the load balancing server, routing and load balancing the request packet to a back end Web server;
 - wherein the back end Web server's response packet to the request packet is sent to the load balancing server;
 - in response to receiving the response packet at the load balancing server, sending the response packet directly to the requesting client;
 - the sending step further comprising:
 - parsing, by the load balancing server, outgoing HTML page(s) in the response packet to determine selected content served by a content delivery network; and
 - modifying, by the load balancing server, URLs for the selected content in an HTML page in the response packet in order to serve the

selected content from the content delivery network in response to requests from requesting clients.

16. An apparatus for routing packets through a load balancing array of servers across a network in a computer environment, comprising:

- a scheduler, the scheduler requests assignment of a virtual IP address to the scheduler, the scheduler is designated as active scheduler for the load balancing array of servers;

- wherein all incoming packets over a network from requesting clients destined for the load balancing array of servers are routed through the scheduler via the virtual IP address;

- wherein the scheduler routes and load balances a request packet from a requesting client to a load balancing server, among a plurality of load balancing servers;

- wherein the load balancing server routes and load balances the request packet to a back end Web server;

- wherein the back end Web server's response packet to the request packet is sent to the load balancing server;

- wherein the load balancing server sends the response packet directly to the requesting client;

- a module for parsing, by the load balancing server, outgoing HTML page(s) in the response packet to determine selected content served by a content delivery network; and

- a module for modifying, by the load balancing server, URLs for the selected content in an HTML page in the response packet in order to serve the selected content from the content delivery network in response to requests from requesting clients.

In particular, Chiu-IBM does not teach or disclose a system that performs, in response to receiving the response packet at the load balancing server, sending the response packet directly to the requesting client, the sending step further comprising: parsing, by the load balancing server, outgoing HTML page(s) in the response packet to determine selected content served by a content delivery network; and modifying, by the load balancing server, URLs for the selected content in an HTML page in the response packet in order to serve the selected content from the content delivery network in response to requests from requesting clients as cited in Claims 1 and 16.

The Office Action cites Chiu-IBM as parsing outgoing HTML pages to determine select content to be served by a content delivery network and modifying URLs for the

select content in the HTML page in a response packet in order to serve the select content from the content delivery network. However, Chiu-IBM does not disclose what the Office Action posits. Chiu-IBM discloses that a client can monitor activities relating to Web transaction performance using various measurements. The client application can also send out HTTP Get Requests while the client application is receiving and processing an HTML document from a server (col. 9, line 8-col. 10, line 67). This is not what is cited in Claims and 16. Chiu-IBM does not contemplate a system that performs, in response to receiving the response packet at the load balancing server, sending the response packet directly to the requesting client, the sending step further comprising: parsing, by the load balancing server, outgoing HTML page(s) in the response packet to determine selected content served by a content delivery network; and modifying, by the load balancing server, URLs for the selected content in an HTML page in the response packet in order to serve the selected content from the content delivery network in response to requests from requesting clients as cited in Claims 1 and 16. What Chiu-IBM is concerned with is the client system viewpoint and what can be performed on the client system in terms of performance measurement.

Therefore, Zisapel in view of Hassett-PointCast, Chiu-IBM, and “Official Notice” does not teach or disclose the invention as claimed.

Claims 1 and 16 are in allowable condition. Claims 2-4, 7, 9, 13, and 17-19, 22, 23, 28 are dependent upon independent Claims 1 and 16, respectively, and are allowable. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

V. CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action rejects Claims 5, 6, 20, and 21 under 35 U.S.C. § 103(a) as being unpatentable over Zisapel-Radware, Hasett-PointCast, Chiu-IBM, “Official Notice” and in view of Masters (USPN 6,374,300).

The rejection under 35 U.S.C. § 103(a) is deemed moot in view of Applicant’s comments regarding Claims 1 and 16, above. Claims 5, 6, and 20, 21, are dependent upon independent Claims 1 and 16, respectively, and are allowable. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. § 103(a).

VI. MISCELLANEOUS

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The Applicant believes that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate. Entry of the amendments herein and further examination on the merits are respectfully requested.

The Examiner is invited to telephone the undersigned at (408) 414-1080 ext. 214 to discuss any issue that may advance prosecution.

To the extent necessary to make this reply timely filed, the Applicant petitions for an extension of time under 37 C.F.R. § 1.136.

If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION VIA EFS-WEB

Pursuant to 37 C.F.R. 1.8(a)(1)(ii), I hereby certify that this correspondence is being transmitted to the United States Patent & Trademark Office via the Office electronic filing system in accordance with 37 C.F.R. §§1.6(a)(4) and 1.8(a)(1)(i)(C) on the date indicated below and before 9:00 PM Pacific time.

Submission date: July 18, 2007

by /KirkDWong#43284/

Kirk D. Wong